

STATE OF MICHIGAN 36 TH JUDICIAL CIRCUIT VAN BUREN COUNTY	ADMINISTRATIVE ORDER RE: CIRCUIT COURT COLLECTION PLAN FOR OUTSTANDING RECEIVABLES	ADMINISTRATIVE ORDER NO. 1999-4
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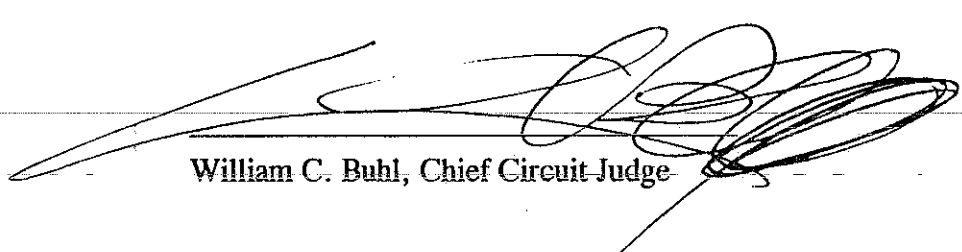
This Administrative Order is issued in accordance with MCR 8.112(B), to facilitate the Court's Plan for the Collection of Outstanding Receivables which was developed to comply with the requirements of the 1996 PA 375, Section 312, to take effect August 1, 1999.

In order to effectively collect receivables, uncollectible receivables need to be eliminated, and collectible receivables identified. Once accomplished, a procedure may be established to pursue those collectible receivables.

THEREFORE, IT IS ORDERED, that the attached "Procedure for Reviewing and Adjusting Accounts Receivable" is adopted for use by the Circuit Court Clerks, who may, without further order of the Court, adjust those accounts in accordance with this procedure.

This order shall remain in effect until otherwise ordered by the Court with the approval of the State Supreme Court in another Administrative Order.

Dated: June 22, 1999



William C. Buhl, Chief Circuit Judge

PROCEDURE FOR REVIEWING AND ADJUSTING
ACCOUNTS RECEIVABLE
(Revised as of June 3, 1999)

I Determine the type of judgment and its current age and status:

- A) Probation
- B) Prison
- C) County Jail
- D) Fines and costs only, with alternative jail
- E) Fines and costs only, without alternative jail
- F) Fines and costs with jail, where jail is suspended if payment is made

II ACCOUNTS TO BE LEFT ALONE:

- A) Probation sentences where—
 - 1) Probation is active
 - 2) A warrant is outstanding
- B) Time Pay where alternative jail is delayed to allow payment.
- C) Bench Warrant outstanding on failure to comply with time pay.

III ACCOUNTS IN NEED OF ADJUSTMENT:

- A) Probation revocations—where there remains on the account unpaid:

Penal fines

Court costs

Attorney fees

Jury or transcript fees

That were not assessed, or re-assessed, upon sentencing after revocation.

REMOVE THEM AS RECEIVABLES.

Leave victim rights fees, forensic fees, or restitution, whether re-assessed or not, unless victim rights fee or forensic fee remains where it has been over 10 years since the original date of sentence. In that case, remove from accounts receivable and close case, unless restitution remains unpaid (MCL 600.5809)

B) Alternative Jail Sentences:

- 1) When a sentence is imposed making jail an alternative to payment, and the Defendant has not paid and the commitment is immediate, penal fines, costs, attorney fees, transcript fees and jury fees are entered as owing, but the file is set for review after a period of time that would assure completion of the jail sentence. The file would then be reviewed, and penal fines, costs, attorney fees, transcript fees and jury fees remaining unpaid would be removed as accounts receivable. This does not apply to a jail sentence subject to suspension if payment is made. These amounts remain, if unpaid, even if time is served.
- 2) Forensic fees, victim rights fees and restitution remain regardless, as do bond forfeitures.

C) PRISON SENTENCES (where the initial sentence was prison—probation revocations resulting in prison are covered in III A)

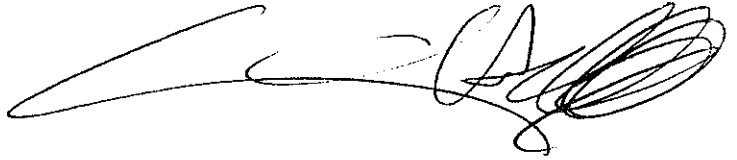
- 1) Victim Rights Fees—if unpaid 10 years after sentence, remove as receivable.
- 2) Forensic Fees—same as #1 above.
- 3) Restitution—remains until paid.
- 4) Penal fines—remove as receivable after 2 years (MCL 600.5809)
- 5) Costs, Attorney Fees, Transcript Fees and Jury Fees—remove as receivable after 10 years (MCL 600.5809)
- 6) Bond Forfeitures—remove after 2 years (MCL 600.5809)

D) COUNTY JAIL SENTENCES without probation, with no alternative jail, or alternative jail not applying to all amounts, and sentences without jail, probation or prison.

- 1) Penal fines or bond forfeitures, remove after 2 years (MCL 600.5809).
- 2) Costs, attorneys fees, transcript fees, jury fees remove after 10 years.
- 3) Forensic and victims rights fees remove after 10 years.

4) Restitution remains until paid.

E) APPELLATE COURT REVERSALS: Clerks need to “undo” sentences when those sentences are reversed by the Court of Appeals or Supreme Court, or, for that matter, the trial court, on proper motion,

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a series of loops and a final flourish.